

CONFERENCE COMMITTEE REPORT DIGEST FOR EHB 1120

Citations Affected: IC 27-1-15.6-2; IC 27-1-15.6-12; IC 27-4-1-4; IC 27-7-9-18.

Synopsis: Committee report for EHB 1120. Mine subsidence and title insurance. Defines "person" for purposes of the insurance producer licensing statute. Revises a provision of the insurance producer licensure statute concerning violations. Effective September 1, 2001, removes a June 30, 2000, expiration of the requirement that an insurer inform a prospective policyholder of the availability of mine subsidence insurance. Increases the maximum limit of mine subsidence coverage that an insurer agrees to cede to the commissioner of the department of insurance under a reinsurance agreement from \$100,000 to \$200,000 per structure. Requires the department of insurance to publish a report regarding mine subsidence insurance. Adds a provision concerning issuance of title insurance in connection with a multi-state real estate transaction. (This conference committee report does the following: (1) Defines "person" for purposes of the insurance producer licensing statute. (2) Revises a provision of the insurance producer licensure statute concerning violations. (3) Effective September 1, 2001, removes a June 30, 2000, sunset on the requirement that an insurer inform a prospective policyholder of the availability of mine subsidence insurance. (4) Requires the department of insurance to publish a report every three years regarding mine subsidence insurance. (5) Adds a provision concerning the issuance of title insurance in connection with a multi-state real estate transaction. (6) Makes technical changes.)

Effective: July 1, 2001; January 1, 2002.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT:

Your Conference Committee appointed to confer with a like committee from the House upon Engrossed Senate Amendments to Engrossed House Bill No. 1120 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 27-1-15.6-2, AS ADDED BY HEA 1674-2001,
- 4 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 5 JANUARY 1, 2002]: Sec. 2. The following definitions apply
- 6 throughout this chapter, IC 27-1-15.7, and IC 27-1-15.8:
- 7 (1) "Bureau" refers to the child support bureau of the division of
- 8 family and children established under IC 12-17-2-5.
- 9 (2) "Business entity" means a corporation, an association, a
- 10 partnership, a limited liability company, a limited liability
- 11 partnership, or another legal entity.
- 12 (3) "Commissioner" means the insurance commissioner appointed
- 13 under IC 27-1-1-2.
- 14 (4) "Consultant" means a person who:
- 15 (A) holds himself or herself out to the public as being engaged
- 16 in the business of offering; or
- 17 (B) for a fee, offers;
- 18 any advice, counsel, opinion, or service with respect to the
- 19 benefits, advantages, or disadvantages promised under any policy
- 20 of insurance that could be issued in Indiana.
- 21 (5) "Delinquent" means the condition of being at least:
- 22 (A) two thousand dollars (\$2,000); or

- 1 (B) three (3) months;
- 2 past due in the payment of court ordered child support.
- 3 (6) "Home state" means the District of Columbia or any state or
- 4 territory of the United States in which an insurance producer:
- 5 (A) maintains the insurance producer's principal place of
- 6 residence or principal place of business; and
- 7 (B) is licensed to act as an insurance producer.
- 8 (7) "Insurance producer" means a person required to be licensed
- 9 under the laws of Indiana to sell, solicit, or negotiate insurance.
- 10 (8) "License" means a document issued by the commissioner
- 11 authorizing a person to act as an insurance producer for the lines
- 12 of authority specified in the document. The license itself does not
- 13 create any authority, actual, apparent, or inherent, in the holder to
- 14 represent or commit an insurance carrier.
- 15 (9) "Limited line credit insurance" includes the following:
- 16 (A) Credit life insurance.
- 17 (B) Credit disability insurance.
- 18 (C) Credit property insurance.
- 19 (D) Credit unemployment insurance.
- 20 (E) Involuntary unemployment insurance.
- 21 (F) Mortgage life insurance.
- 22 (G) Mortgage guaranty insurance.
- 23 (H) Mortgage disability insurance.
- 24 (I) Guaranteed automobile protection (gap) insurance.
- 25 (J) Any other form of insurance:
- 26 (i) that is offered in connection with an extension of credit and
- 27 is limited to partially or wholly extinguishing that credit
- 28 obligation; and
- 29 (ii) that the insurance commissioner determines should be
- 30 designated a form of limited line credit insurance.
- 31 (10) "Limited line credit insurance producer" means a person who
- 32 sells, solicits, or negotiates one (1) or more forms of limited line
- 33 credit insurance coverage to individuals through a master,
- 34 corporate, group, or individual policy.
- 35 (11) "Limited lines insurance" means any of the following:
- 36 (A) The lines of insurance defined in section 18 of this chapter.
- 37 (B) Any line of insurance the recognition of which is considered
- 38 necessary by the commissioner for the purpose of complying
- 39 with section 8(e) of this chapter.
- 40 (C) For purposes of section 8(e) of this chapter, any form of
- 41 insurance with respect to which authority is granted by a home
- 42 state that restricts the authority granted by a limited lines
- 43 producer's license to less than total authority in the associated
- 44 major lines described in section 7(a)(1) through 7(a)(6) of this
- 45 chapter.
- 46 (12) "Limited lines producer" means a person authorized by the
- 47 commissioner to sell, solicit, or negotiate limited lines insurance.
- 48 (13) "Negotiate" means the act of conferring directly with or
- 49 offering advice directly to a purchaser or prospective purchaser of
- 50 a particular contract of insurance concerning any of the substantive
- 51 benefits, terms, or conditions of the contract, provided that the

person engaged in that act either sells insurance or obtains insurance from insurers for purchasers.

(14) **"Person" means an individual or a business entity.**

(15) "Sell" means to exchange a contract of insurance by any means, for money or its equivalent, on behalf of a company.

~~(15)~~ (16) "Solicit" means attempting to sell insurance or asking or urging a person to apply for a particular kind of insurance from a particular company.

~~(16)~~ (17) "Surplus lines producer" means a person who sells, solicits, negotiates, or procures from an insurance company not licensed to transact business in Indiana an insurance policy that cannot be procured from insurers licensed to do business in Indiana.

~~(17)~~ (18) "Terminate" means:

(A) the cancellation of the relationship between an insurance producer and the insurer; or

(B) the termination of a producer's authority to transact insurance.

~~(18)~~ (19) "Uniform business entity application" means the current version of the national association of insurance commissioners uniform business entity application for resident and nonresident business entities.

~~(19)~~ (20) "Uniform application" means the current version of the national association of insurance commissioners uniform application for resident and nonresident producer licensing.

SECTION 2. IC 27-1-15.6-12, AS ADDED BY HEA 1674-2001, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 12. (a) For purposes of this section, "permanently revoke" means that:

(1) the producer's license shall never be reinstated; and

(2) the former licensee, after the license revocation, is not eligible to submit an application for a license to the department.

(b) The commissioner may levy a civil penalty, place an insurance producer on probation, suspend an insurance producer's license, revoke an insurance producer's license for a period of years, permanently revoke an insurance producer's license, or refuse to issue or renew an insurance producer license, or take any combination of these actions, for any of the following causes:

(1) Providing incorrect, misleading, incomplete, or materially untrue information in a license application.

(2) Violating:

(A) an insurance law; ~~or~~

(B) a regulation;

(C) a subpoena **of an insurance commissioner;** or

(D) an order of ~~the~~ **an** insurance commissioner;

of Indiana or of another state.

(3) Obtaining or attempting to obtain a license through misrepresentation or fraud.

(4) Improperly withholding, misappropriating, or converting any monies or properties received in the course of doing insurance

- 1 business.
- 2 (5) Intentionally misrepresenting the terms of an actual or proposed
- 3 insurance contract or application for insurance.
- 4 (6) Having been convicted of a felony.
- 5 (7) Admitting to having committed or being found to have
- 6 committed any unfair trade practice or fraud in the business of
- 7 insurance.
- 8 (8) Using fraudulent, coercive, or dishonest practices, or
- 9 demonstrating incompetence, untrustworthiness, or financial
- 10 irresponsibility in the conduct of business in Indiana or elsewhere.
- 11 (9) Having an insurance producer license, or its equivalent, denied,
- 12 suspended, or revoked in any other state, province, district, or
- 13 territory.
- 14 (10) Forging another's name to an application for insurance or to
- 15 any document related to an insurance transaction.
- 16 (11) Improperly using notes or any other reference material to
- 17 complete an examination for an insurance license.
- 18 (12) Knowingly accepting insurance business from an individual
- 19 who is not licensed.
- 20 (13) Failing to comply with an administrative or court order
- 21 imposing a child support obligation.
- 22 (14) Failing to pay state income tax or to comply with any
- 23 administrative or court order directing payment of state income
- 24 tax.
- 25 (15) Failing to satisfy the continuing education requirements
- 26 established by IC 27-1-15.7.
- 27 (16) Violating section 31 of this chapter.
- 28 (17) Failing to timely inform the commissioner of a change in legal
- 29 name or address, in violation of section 7(h) of this chapter.
- 30 (c) The commissioner shall refuse to:
- 31 (1) issue a license; or
- 32 (2) renew a license issued;
- 33 under this chapter to any person who is the subject of an order issued
- 34 by a court under IC 31-14-12-7 or IC 31-16-12-10 (or
- 35 IC 31-1-11.5-13(m) or IC 31-6-6.1-16(m) before their repeal).
- 36 (d) If the commissioner refuses to renew a license or denies an
- 37 application for a license, the commissioner shall notify the applicant or
- 38 licensee and advise the applicant or licensee, in a writing sent through
- 39 regular first class mail, of the reason for the denial of the applicant's
- 40 application or the nonrenewal of the licensee's license. The applicant
- 41 or licensee may, not more than sixty-three (63) days after notice of
- 42 denial of the applicant's application or nonrenewal of the licensee's
- 43 license is mailed, make written demand to the commissioner for a
- 44 hearing before the commissioner to determine the reasonableness of the
- 45 commissioner's action. The hearing shall be held not more than thirty
- 46 (30) days after the applicant or licensee makes the written demand, and
- 47 shall be conducted under IC 4-21.5.
- 48 (e) The license of a business entity may be suspended, revoked, or
- 49 refused if the commissioner finds, after hearing, that a violation of an
- 50 individual licensee acting on behalf of the partnership or corporation
- 51 was known or should have been known by one or more of the partners,

officers, or managers of the partnership or corporation and:

- (1) the violation was not reported to the commissioner; and
- (2) no corrective action was taken.

(f) In addition to or in lieu of any applicable denial, suspension, or revocation of a license under subsection (b), a person may, after a hearing, be subject to the imposition by the commissioner under subsection (b) of a civil penalty of not less than fifty dollars (\$50) and not more than ten thousand dollars (\$10,000). A penalty imposed under this subsection may be enforced in the same manner as a civil judgement.

(g) A licensed insurance producer or limited lines producer shall, not more than ten (10) days after the producer receives a request in a registered or certified letter from the commissioner, furnish the commissioner with a full and complete report listing each insurer with which the licensee has held an appointment during the year preceding the request.

(h) If a licensee fails to provide the report requested under subsection (g) not more than ten (10) days after the licensee receives the request, the commissioner may, in the commissioner's sole discretion, without a hearing, and in addition to any other sanctions allowed by law, suspend any insurance license held by the licensee pending receipt of the appointment report.

(i) The commissioner shall promptly notify all appointing insurers and the licensee regarding any suspension, revocation, or termination of a license by the commissioner under this section.

(j) The commissioner may not grant, renew, continue, or permit to continue any license if the commissioner finds that the license is being used or will be used by the applicant or licensee for the purpose of writing controlled business. As used in this subsection, "controlled business" means:

- (1) insurance written on the interests of:

- (A) the applicant or licensee;
- (B) the applicant's or licensee's immediate family; or
- (C) the applicant's or licensee's employer; or

- (2) insurance covering:

- (A) the applicant or licensee;
- (B) members of the applicant's or licensee's immediate family;
- or
- (C) either:

- (i) a corporation, limited liability company, association, or partnership; or

- (ii) the officers, directors, substantial stockholders, partners, members, managers, employees of such a corporation, limited liability company, association, or partnership;

of which the applicant or licensee or a member of the applicant's or licensee's immediate family is an officer, director, substantial stockholder, partner, member, manager, associate, or employee.

However, this section does not apply to insurance written or interests insured in connection with or arising out of credit transactions. A license is considered to have been used or intended to be used for the purpose of writing controlled business if the commissioner finds that

during any twelve (12) month period the aggregate commissions earned from the controlled business exceeded twenty-five percent (25%) of the aggregate commission earned on all business written by the applicant or licensee during the same period.

(k) The commissioner has the authority to:

(1) enforce the provisions of; and

(2) impose any penalty or remedy authorized by;

this chapter or any other provision of this title against any person who is under investigation for or charged with a violation of this chapter or any other provision of this title, even if the person's license or registration has been surrendered or has lapsed by operation of law.

(l) For purposes of this section, the violation of any provision of IC 28 concerning the sale of a life insurance policy or an annuity contract shall be considered a violation described in subsection (b)(2).

(m) The commissioner may order a licensee to make restitution if the commissioner finds that the licensee has committed a violation described in:

(1) subsection (b)(4);

(2) subsection (b)(7);

(3) subsection (b)(8); or

(4) subsection (b)(16).

(n) The commissioner shall notify the securities commissioner appointed under IC 23-2-1-15 when an administrative action or civil proceeding is filed under this section and when an order is issued under this section denying, suspending, or revoking a license.

SECTION 3. IC 27-4-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. The following are hereby defined as unfair methods of competition and unfair and deceptive acts and practices in the business of insurance:

(1) Making, issuing, circulating, or causing to be made, issued, or circulated, any estimate, illustration, circular, or statement:

(A) misrepresenting the terms of any policy issued or to be issued or the benefits or advantages promised thereby or the dividends or share of the surplus to be received thereon;

(B) making any false or misleading statement as to the dividends or share of surplus previously paid on similar policies;

(C) making any misleading representation or any misrepresentation as to the financial condition of any insurer, or as to the legal reserve system upon which any life insurer operates;

(D) using any name or title of any policy or class of policies misrepresenting the true nature thereof; or

(E) making any misrepresentation to any policyholder insured in any company for the purpose of inducing or tending to induce such policyholder to lapse, forfeit, or surrender his insurance.

(2) Making, publishing, disseminating, circulating, or placing before the public, or causing, directly or indirectly, to be made, published, disseminated, circulated, or placed before the public, in a newspaper, magazine, or other publication, or in the form of a notice, circular, pamphlet, letter, or poster, or over any radio or television station, or in any other way, an advertisement,

1 announcement, or statement containing any assertion,
2 representation, or statement with respect to any person in the
3 conduct of his insurance business, which is untrue, deceptive, or
4 misleading.

5 (3) Making, publishing, disseminating, or circulating, directly or
6 indirectly, or aiding, abetting, or encouraging the making,
7 publishing, disseminating, or circulating of any oral or written
8 statement or any pamphlet, circular, article, or literature which is
9 false, or maliciously critical of or derogatory to the financial
10 condition of an insurer, and which is calculated to injure any
11 person engaged in the business of insurance.

12 (4) Entering into any agreement to commit, or individually or by a
13 concerted action committing any act of boycott, coercion, or
14 intimidation resulting or tending to result in unreasonable restraint
15 of, or a monopoly in, the business of insurance.

16 (5) Filing with any supervisory or other public official, or making,
17 publishing, disseminating, circulating, or delivering to any person,
18 or placing before the public, or causing directly or indirectly, to be
19 made, published, disseminated, circulated, delivered to any person,
20 or placed before the public, any false statement of financial
21 condition of an insurer with intent to deceive. Making any false
22 entry in any book, report, or statement of any insurer with intent to
23 deceive any agent or examiner lawfully appointed to examine into
24 its condition or into any of its affairs, or any public official to
25 which such insurer is required by law to report, or which has
26 authority by law to examine into its condition or into any of its
27 affairs, or, with like intent, willfully omitting to make a true entry
28 of any material fact pertaining to the business of such insurer in
29 any book, report, or statement of such insurer.

30 (6) Issuing or delivering or permitting agents, officers, or
31 employees to issue or deliver, agency company stock or other
32 capital stock, or benefit certificates or shares in any common law
33 corporation, or securities or any special or advisory board contracts
34 or other contracts of any kind promising returns and profits as an
35 inducement to insurance.

36 (7) Making or permitting any of the following:

37 (A) Unfair discrimination between individuals of the same class
38 and equal expectation of life in the rates or assessments charged
39 for any contract of life insurance or of life annuity or in the
40 dividends or other benefits payable thereon, or in any other of
41 the terms and conditions of such contract; however, in
42 determining the class, consideration may be given to the nature
43 of the risk, plan of insurance, the actual or expected expense of
44 conducting the business, or any other relevant factor.

45 (B) Unfair discrimination between individuals of the same class
46 involving essentially the same hazards in the amount of
47 premium, policy fees, assessments, or rates charged or made for
48 any policy or contract of accident or health insurance or in the
49 benefits payable thereunder, or in any of the terms or conditions
50 of such contract, or in any other manner whatever; however, in
51 determining the class, consideration may be given to the nature

of the risk, the plan of insurance, the actual or expected expense of conducting the business, or any other relevant factor.

(C) Excessive or inadequate charges for premiums, policy fees, assessments, or rates, or making or permitting any unfair discrimination between persons of the same class involving essentially the same hazards, in the amount of premiums, policy fees, assessments, or rates charged or made for:

(i) policies or contracts of reinsurance or joint reinsurance, or abstract and title insurance;

(ii) policies or contracts of insurance against loss or damage to aircraft, or against liability arising out of the ownership, maintenance, or use of any aircraft, or of vessels or craft, their cargoes, marine builders' risks, marine protection and indemnity, or other risks commonly insured under marine, as distinguished from inland marine, insurance; or

(iii) policies or contracts of any other kind or kinds of insurance whatsoever.

However, nothing contained in clause (C) shall be construed to apply to any of the kinds of insurance referred to in clauses (A) and (B) nor to reinsurance in relation to such kinds of insurance. Nothing in clause (A), (B), or (C) shall be construed as making or permitting any excessive, inadequate, or unfairly discriminatory charge or rate or any charge or rate determined by the department or commissioner to meet the requirements of any other insurance rate regulatory law of this state.

(8) Except as otherwise expressly provided by law, knowingly permitting or offering to make or making any contract or policy of insurance of any kind or kinds whatsoever, including but not in limitation, life annuities, or agreement as to such contract or policy other than as plainly expressed in such contract or policy issued thereon, or paying or allowing, or giving or offering to pay, allow, or give, directly or indirectly, as inducement to such insurance, or annuity, any rebate of premiums payable on the contract, or any special favor or advantage in the dividends, savings, or other benefits thereon, or any valuable consideration or inducement whatever not specified in the contract or policy; or giving, or selling, or purchasing or offering to give, sell, or purchase as inducement to such insurance or annuity or in connection therewith, any stocks, bonds, or other securities of any insurance company or other corporation, association, limited liability company, or partnership, or any dividends, savings, or profits accrued thereon, or anything of value whatsoever not specified in the contract. Nothing in this subdivision and subdivision (7) shall be construed as including within the definition of discrimination or rebates any of the following practices:

(A) Paying bonuses to policyholders or otherwise abating their premiums in whole or in part out of surplus accumulated from nonparticipating insurance, so long as any such bonuses or abatement of premiums are fair and equitable to policyholders and for the best interests of the company and its policyholders.

(B) In the case of life insurance policies issued on the industrial

debit plan, making allowance to policyholders who have continuously for a specified period made premium payments directly to an office of the insurer in an amount which fairly represents the saving in collection expense.

(C) Readjustment of the rate of premium for a group insurance policy based on the loss or expense experience thereunder, at the end of the first year or of any subsequent year of insurance thereunder, which may be made retroactive only for such policy year.

(D) Paying by an insurer or agent thereof duly licensed as such under the laws of this state of money, commission, or brokerage, or giving or allowing by an insurer or such licensed agent thereof anything of value, for or on account of the solicitation or negotiation of policies or other contracts of any kind or kinds, to a broker, agent, or solicitor duly licensed under the laws of this state, but such broker, agent, or solicitor receiving such consideration shall not pay, give, or allow credit for such consideration as received in whole or in part, directly or indirectly, to the insured by way of rebate.

(9) Requiring, as a condition precedent to loaning money upon the security of a mortgage upon real property, that the owner of the property to whom the money is to be loaned negotiate any policy of insurance covering such real property through a particular insurance agent or broker or brokers. However, this subdivision shall not prevent the exercise by any lender of its or his right to approve or disapprove of the insurance company selected by the borrower to underwrite the insurance.

(10) Entering into any contract, combination in the form of a trust or otherwise, or conspiracy in restraint of commerce in the business of insurance.

(11) Monopolizing or attempting to monopolize or combining or conspiring with any other person or persons to monopolize any part of commerce in the business of insurance. However, participation as a member, director, or officer in the activities of any nonprofit organization of agents or other workers in the insurance business shall not be interpreted, in itself, to constitute a combination in restraint of trade or as combining to create a monopoly as provided in this subdivision and subdivision (10). The enumeration in this chapter of specific unfair methods of competition and unfair or deceptive acts and practices in the business of insurance is not exclusive or restrictive or intended to limit the powers of the commissioner or department or of any court of review under section 8 of this chapter.

(12) Requiring as a condition precedent to the sale of real or personal property under any contract of sale, conditional sales contract, or other similar instrument or upon the security of a chattel mortgage, that the buyer of such property negotiate any policy of insurance covering such property through a particular insurance company, agent, or broker or brokers. However, this subdivision shall not prevent the exercise by any seller of such property or the one making a loan thereon, of his, her, or its right

to approve or disapprove of the insurance company selected by the buyer to underwrite the insurance.

(13) Issuing, offering, or participating in a plan to issue or offer, any policy or certificate of insurance of any kind or character as an inducement to the purchase of any property, real, personal, or mixed, or services of any kind, where a charge to the insured is not made for and on account of such policy or certificate of insurance.

However, this subdivision shall not apply to any of the following:

(A) Insurance issued to credit unions or members of credit unions in connection with the purchase of shares in such credit unions.

(B) Insurance employed as a means of guaranteeing the performance of goods and designed to benefit the purchasers or users of such goods.

(C) Title insurance.

(D) Insurance written in connection with an indebtedness and intended as a means of repaying such indebtedness in the event of the death or disability of the insured.

(E) Insurance provided by or through motorists service clubs or associations.

(F) Insurance that is provided to the purchaser or holder of an air transportation ticket and that:

(i) insures against death or nonfatal injury that occurs during the flight to which the ticket relates;

(ii) insures against personal injury or property damage that occurs during travel to or from the airport in a common carrier immediately before or after the flight;

(iii) insures against baggage loss during the flight to which the ticket relates; or

(iv) insures against a flight cancellation to which the ticket relates.

(14) Refusing, because of the for-profit status of a hospital or medical facility, to make payments otherwise required to be made under a contract or policy of insurance for charges incurred by an insured in such a for-profit hospital or other for-profit medical facility licensed by the state department of health.

(15) Refusing to insure an individual, refusing to continue to issue insurance to an individual, limiting the amount, extent, or kind of coverage available to an individual, or charging an individual a different rate for the same coverage, solely because of that individual's blindness or partial blindness, except where the refusal, limitation, or rate differential is based on sound actuarial principles or is related to actual or reasonably anticipated experience.

(16) Committing or performing, with such frequency as to indicate a general practice, unfair claim settlement practices (as defined in section 4.5 of this chapter).

(17) Between policy renewal dates, unilaterally canceling an individual's coverage under an individual or group health insurance policy solely because of the individual's medical or physical condition.

(18) Using a policy form or rider that would permit a cancellation of coverage as described in subdivision (17).

(19) Violating IC 27-1-22-25 or IC 27-1-22-26 concerning motor vehicle insurance rates.

(20) Violating IC 27-8-21-2 concerning advertisements referring to interest rate guarantees.

(21) Violating IC 27-8-24.3 concerning insurance and health plan coverage for victims of abuse.

(22) Violating IC 27-1-15.5-3(h).

(23) Violating IC 27-8-26 concerning genetic screening or testing.

(24) Violating IC 27-7-3-21 concerning title insurance premiums in multistate transactions.

SECTION 4. IC 27-7-3-21 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 21. (a) This section applies to the issuance of title insurance in Indiana in a real estate transaction in which title insurance is issued in at least one (1) other state in which title insurance premiums are computed based on rates filed with a governmental entity.**

(b) The title insurance premium rate that is charged by a title insurance company that provides title insurance in Indiana may not be less than the average of the title insurance rates that are charged for title insurance in the other participating states where rates are filed."

Page 1, line 2, delete "JANUARY 1, 2002]" and insert "SEPTEMBER 1, 2001]".

Page 2, line 4, strike "However, an insurer is not required to inform a".

Page 2, strike line 5.

Page 2, line 6, strike "coverage if the issuance of the policy will take place after".

Page 2, line 7, delete "December 31, 2006."

Page 3, after line 29, begin a new paragraph and insert:

"SECTION 7. IC 27-7-9-18 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 18. The department of insurance shall, every three (3) years beginning not later than November 1, 2001, publish a report regarding mine subsidence insurance provided under this chapter, including the:**

(1) number of claims filed;

(2) amount paid for each claim; and

(3) amount remaining in the mine subsidence insurance fund established under section 7 of this chapter;

since the date of the previous publication of the report under this section.

SECTION 8. HEA 1674-2001, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: SECTION 28. (a) After December 31, 2001:

(1) any reference in the Indiana Code to an insurance agent shall be treated as a reference to an insurance producer (as defined in IC 27-1-15.6-2(7), as added by this act);

1 (2) any reference in the Indiana Code to a surplus lines insurance
2 agent shall be treated as a reference to a surplus lines producer (as
3 defined in ~~IC 27-1-15.6-2(16)~~, **IC 27-1-15.6-2(17)**, as added by
4 this act); and
5 (3) any reference in the Indiana Code to a limited
6 insurance representative shall be treated as a reference to a limited
7 lines producer (as defined in IC 27-1-15.6-2(12), as added by this
8 act).
9 (b) This SECTION expires June 30, 2005."
10 Renumber all SECTIONS consecutively.
(Reference is to EHB 1120 as printed April 6, 2001.)

Conference Committee Report
on
Engrossed House Bill 1120

Signed by:

Representative Hasler
Chairperson

Senator Server

Representative Becker

Senator Young R

House Conferees

Senate Conferees